

106TH CONGRESS
2D SESSION

H. RES. 602

Supporting the policy announced by the Secretary of Transportation to delay implementation of the provisions of the North American Free Trade Agreement that allow access for Mexican trucks to all United States roads as of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2000

Mr. BROWN of Ohio (for himself, Mr. BONIOR, Mr. OBEY, Mr. BORSKI, Ms. PELOSI, Mr. LIPINSKI, and Ms. KAPTUR) submitted the following resolution; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Supporting the policy announced by the Secretary of Transportation to delay implementation of the provisions of the North American Free Trade Agreement that allow access for Mexican trucks to all United States roads as of 2000, and for other purposes.

Whereas the North American Free Trade Agreement provides that a person of Mexico will be permitted to obtain operating authority for cross-border truck services to and from border States beginning December 18, 1995, and for such services throughout the United States beginning January 1, 2000;

Whereas the Secretary of Transportation, citing safety concerns, has delayed implementation of these provisions and has continued to enforce provisions of chapter 139 of title 49, United States Code, that limit operation of the vast majority of Mexican trucks to commercial zones along the United States-Mexico border;

Whereas on September 22, 1998, the Government of Mexico filed a complaint with an arbitral panel under the North American Free Trade Agreement to protest this delay, and the arbitral panel is expected to rule on the complaint in September 2000;

Whereas in a December 1998 audit, the Department of Transportation Inspector General found that 44 percent of Mexican trucks inspected at the United States border had significant problems that required the trucks to be removed from service, such as brake or tire failures, in comparison to 25 percent of United States trucks inspected;

Whereas in a November 1999 audit, the Department of Transportation Inspector General found that Mexican-based motor carriers have been illegally operating trucks on United States roads, including approximately 130 such carriers illegally operating beyond the border States and approximately 505 such carriers illegally operating beyond the commercial zones along the United States border;

Whereas the growing flow of Mexican-made goods entering the United States under the North American Free Trade Agreement has dramatically increased the number of trucks entering the United States to approximately 4,000,000 annually;

Whereas in 1998 only slightly more than 1.6 percent of the trucks entering the United States were inspected, of which only about 24,000 were Mexican trucks;

Whereas in 1998 approximately $\frac{1}{3}$ of the 4,000,000 trucks crossing the United States-Mexico border into the United States crossed at Laredo, Texas, and that year only 1,249 Mexican trucks were inspected there;

Whereas the United States has a national commercial driver license information system to detect trucking violations, but Mexico has no such system;

Whereas a United States truck driver may operate multi-trailer trucks or haul hazardous materials only if certified, but a Mexican truck driver does not need any specific certification or endorsement for these activities;

Whereas to maintain a United States truck driver license, a person must have attained 21 years of age, drive no longer than 10 hours each shift, keep a log of hours worked, pass a knowledge and skills test, and have regular health exams and a separate medical card;

Whereas to maintain a Mexican truck driver license, a person must have attained only 18 years of age, may drive an unlimited number of hours each shift, and need not keep a log of hours worked, pass a knowledge and skills test or health exam, or have a separate medical card; and

Whereas the Government of Mexico has improved standards of safety, environmental protection, and driver competency, licensing, and hours of service since the signing of the North American Free Trade Agreement, but has not yet implemented standards equivalent to those that apply to United States trucks on United States roads: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the policy announced by the Sec-
3 retary of Transportation on December 18, 1995, to
4 delay implementation of certain provisions of the
5 North American Free Trade Agreement that allow
6 increased access for Mexican trucks to United States
7 roads;

8 (2) recognizes the existence of compelling data
9 reported by the Department of Transportation In-
10 spector General regarding the danger posed on both
11 sides of the United States-Mexico border by unsafe
12 Mexican trucks, based on—

13 (A) the high inspection failure rate of
14 Mexican trucks at the border;

15 (B) the lack of comprehensive border truck
16 inspection; and

17 (C) the unresolved differences in the truck
18 driver license requirements of the United States
19 and Mexico;

20 (3) disapproves of the action by the Mexican
21 government to formally challenge before an arbitral
22 panel under the North American Free Trade Agree-
23 ment the delay by the United States in imple-
24 menting the open border trucking provisions of the
25 North American Free Trade Agreement, based on

1 the careful documentation by the United States of
2 the unresolved safety problems that necessitate the
3 delay;

4 (4) calls on the Governments of Mexico and the
5 United States—

6 (A) to agree to uniform application to
7 United States and Mexican trucks and drivers
8 of the highest standards regarding safety, envi-
9 ronmental protection, and driver competency, li-
10 censing, and hours of service;

11 (B) to improve truck inspection programs
12 and increase the number of trucks inspected;
13 and

14 (C) to consider road and truck safety to be
15 of paramount importance to the relationship be-
16 tween the United States and Mexico; and

17 (5) calls on the President to refuse access to
18 United States roads outside the commercial zones
19 along the United States-Mexico border to Mexican
20 trucks that are currently restricted to these zones,
21 regardless of the ruling by the arbitral panel, until
22 the Department of Transportation Inspector General
23 has certified that—

24 (A) Mexican trucks and drivers are com-
25 plying with standards of safety, environmental

1 protection, and driver competency, licensing,
2 and hours of service equivalent to standards
3 that apply to United States trucks on United
4 States roads; and

5 (B) Mexican trucks inspected on entering
6 the United States are passing inspection in the
7 same percentage as Canadian trucks inspected
8 on entering the United States.

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